

**REMARKS**

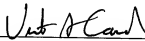
This paper is filed following the Decision by Board mailed on March 4, 2009 relative to the reference case. Pursuant to the Decision, and MPEP § 1214 and 37 C.F.R. § 41.50(b), Applicant has cancelled claims 2 and 4 which were rejected under a new ground of rejection in the Decision. The rejections by the Examiner over claims 1-4 were reversed by the Board and, thus, the remaining claims, 1 and 3, are believed to be allowable.

**CONCLUSION**

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, the Examiner is invited to telephone the undersigned attorney at the telephone number provided.

*Respectfully submitted,*



---

Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Dated: April 15, 2009

**HESLIN ROTHENBERG FARLEY & MESITI, P.C.**

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579